



MEMORANDUM ENDORSED

2150 S. Central Expressway, Ste. 200
McKinney, Texas 75070
P. (214) 764-9232
F. (888) 223-8151
TF. (888) 251-4638
www.Kapioltas.com

July 12, 2022

Via ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/12/2022

Re: Equinox F&B, Inc. v. Roots Pressed Juices LLC; Case No. 1:22-cv-00681

Dear Honorable Gregory H. Woods,

I am counsel for Defendant Roots Pressed Juices LLC. After conferring with John L. Garcia, counsel for Plaintiff, the parties respectfully write to request a twenty-nine (29) day enlargement of discovery from Thursday, July 21, 2022 until Friday, August 19, 2022 for the sole purpose of completing depositions. This is the parties' first request for an extension of time to complete discovery.

By way of brief background, this case stems from a dispute over whether Defendant breached the license agreement between the parties on September 2, 2021. On January 27, 2022, Defendant removed this case to federal court. On March 30, 2022, the Court issued its Civil Case Management Plan and Scheduling Order requiring depositions to be completed by July 21, 2022.¹

Both parties are in agreement that this request is needed to complete depositions. Both parties have exchanged responses to Interrogatories and Document Requests, but there remain outstanding issues on both sides. The parties have scheduled for July 12, 2022 a meet and confer to resolve discovery issues prior to completing depositions. In addition to the parties' corporate representatives, there are approximately five or six additional fact witnesses that the parties are seeking to depose. The parties believe the requested extension will be sufficient to schedule all outstanding depositions. This request will not affect other scheduled dates.

¹ As a separate issue, the parties respectfully bring to the court's attention that a separate Order, dated March 30, 2022, at docket entry number 20, refers to a jury trial. As stated in the Civil Case Management Plan and Scheduling Order, and discussed at the Initial Conference, the parties agreed to a bench trial in this matter. The parties believe the Order at docket entry number 20 is in error and request clarification on this issue.

Thank you for your consideration.

Respectfully submitted,

THE KAPIOLTAS LAW FIRM, PLLC

/s/ Thomas Kapioltas

Thomas L. Kapioltas
Texas Bar No. 24032614
2150 S. Central Expressway
Suite 200
McKinney, Texas 75070
Telephone: 214-764-9232
Facsimile: 888-223-8151
Admitted Pro Hac Vice

cc: John L. Garcia, Esq. (By ECF)

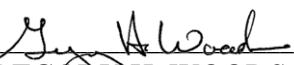
Application granted. The deadline for depositions pursuant to Fed. R. Civ. P. 30, 31 is extended to August 19, 2022. Except as expressly modified by this order, the case management plan entered by the Court on March 30, 2022, Dkt. No. 21, remains in full force and effect.

The Court clarifies that the trial scheduled for January 3, 2022, Dkt. No. 20, will be a bench trial, rather than a jury trial. The Court will separately enter an amended order scheduling the bench trial and establishing deadlines for pretrial submissions.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 23.

SO ORDERED.

Dated: July 12, 2022
New York, New York



GREGORY H. WOODS
United States District Judge